

PROCEDURE FOR THE 9:30 DUTY CALENDAR

(Effective with Initial Appearances on Monday December 4, 2023)

1. Defendants charged by a Petty or Flip-Flop Complaint will continue to be initialed per the current procedure.
2. The DH/PH (and possible COP/Sentencing) will be scheduled on the 9:30 AM Duty calendar 14 days from the initial appearance date.
3. The USAO is reminded that the court will schedule no more than 40 defendants on each 9:30 calendar. However, on rare occasions, typically due to calendaring issues, there may be a few extra defendants on the calendar.
4. The USAO will provide a packet containing a signed and dated Information, a Waiver of Indictment and a Plea Agreement to the appointed defense counsel. The USAO is urged to please make sure they also date the Information when signing.
5. Defense counsel will present the plea offer to the defendant. If the plea is accepted, defense counsel will email, no later than 4 days prior to the scheduled DH/PH, all signed documents to tucinfo packets@azd.uscourts.gov and copy the USAO box USAAZ.FlipFlop@usdoj.gov.
6. The CPS docketing staff will review the documents, return for corrections if necessary, open a new criminal case and randomly assign a presider Magistrate Judge. The new case number and judge assignment will be emailed to defense counsel.
7. The COP/Sentencing will be held as scheduled before the AM Duty Magistrate Judge.
8. If defense counsel does not email a completed plea packet at least 4 business days prior to the hearing, the COP/Sentencing will not go forward. Instead, a DH/PH will be conducted and defense counsel will be instructed to contact the chambers of the assigned Magistrate Judge to set a COP/Sentencing date on their regular calendar day.
9. If the defendant does not accept the plea offer, the DH/PH will go forward as scheduled. If requested by the USAO, the Magistrate Judge will dismiss the misdemeanor charge and the case will proceed on the felony charge by indictment or by information if the defendant chooses to later waive his or her right to be indicted.
10. For petty cases where a time-served sentence is anticipated, defense counsel may file a motion to accelerate once the criminal case has been opened. This typically occurs within 1 or 2 days. Defense counsel is instructed to file any such motion with the assigned Magistrate Judge. If filed before the criminal case has been opened, the motion will be denied with leave to refile following the opening of the criminal case.
11. In a multi-defendant flip-flop case involving material witnesses, since a separate criminal case is opened for each defendant, the USAO is instructed to provide an Order Releasing Material Witness in each of the defendant's packets.
12. Defense counsel and the USAO are instructed to please communicate any unusual circumstance or request to continue to the MCC prior to the Magistrate Judge taking the bench.
13. The courtroom doors will open at 9:00 a.m. Defense counsel are kindly asked to arrive promptly to consult with their clients and avoid causing a delay to the start of proceedings.